

Entered - 03/29/00 - sb
CL00L0194 - DIANNE C. MITCHELL

CLAIM OF: ERLETHIA CLARK,

through her attorney,

O. Mark Zamora

P. O. Box 95406

Atlanta, Georgia 30347-0406

For damages alleged to have been sustained
as a result of a vehicular accident on October
10, 1999 at Pryor Road and Amal Drive.

THIS ADVERSED REPORT IS **CONSENT AGENDA**
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

CERTIFIED
AUG 07 2000
Ruth Douglas Johnson
MUNICIPAL CLERK

AD *Advisory*
COM *City Council*

8/1/2000

E. T. Martin

W. T. Martin

Doug Smith

ADVERSED
CITY COUNCIL
AUG 07 2000

CITY COUNCIL
AUG 07 2000

CERTIFIED
AUG 7 2000

August 28, 2000

O. Mark Zamora
Attorney at Law
P.O. Box 95406
Atlanta, GA 30347-0406

00-R-1167

RE: Erlethia Clark

Dear Attorney Zamora:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on August 07, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0194

Date: July 10, 2000

Claimant /Victim ERLETHIA CLARK
BY: (Atty) O. Mark Zamora
Address: P. O. Box 95406, Atlanta, Georgia 30347-0406
Subrogation: Claim for Property damage \$ Bodily Injury \$ 10,000.00
Date of Notice: 03/23/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 10/10/99 Place: Pryor Road and Amal Drive
Department Public Works Division: Traffic and Transportation
Employee involved Disciplinary Action:

NATURE OF CLAIM: The claimant alleges she was injured when the vehicle in which she was riding was involved in a vehicular accident with a privately owned vehicle. The claimant further alleges that the accident occurred due to a missing stop sign. The investigation determined that the City had no notice of the missing stop sign prior to the accident involving the claimant. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 07/10/00
Committee Action: Council Action

MONTLICK & ASSOCIATES, P.C.
ATTORNEYS AT LAW

17 EXECUTIVE PARK DRIVE • SUITE 310
P.O. BOX 95406 • ATLANTA, GEORGIA • 30347-0406
TELEPHONE (404) 235-5000 • FACSIMILE (404) 321-3323

Reeves
03/23/00
RECEIVED MAR 23 2000

March 20, 2000 ENTERED - 3-29-00 - SB
00L0194 - MIKE REEVES

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

City of Atlanta, Claims Department
Attention: S. Butler
68 Mitchell Street, Suite 14th Floor, Suite 4100
Atlanta, GA 30335-0332

RE: ANTE LITEM NOTIFICATION
Pursuant to O.C.G.A. § 36-11-1

Our Client: Erlethia Clark
Date of Incident: October 10, 1999
Location: Atlanta, Fulton County, GA

Dear Gentlemen:

You are informed pursuant to O.C.G.A. § 36-33-5, and to the extent applicable 36-11-1 et. seq. of the claim of Erlethia Clark. She was injured on October 10, 1999, because a stop sign was missing from an intersection within Fulton County, Georgia.

We enclose a copy of the Georgia Uniform Motor Vehicle Report. The investigating officer found that there was a "missing" stop sign at the intersection of Amal Drive and Pryor Road in Fulton County, Georgia. (At Exhibit 1).

As a result of the missing stop sign, there was a collision between the vehicle driven by LaShonda Ford and Vanessa Slaton. Our client, Erlethia Clark, was a passenger in the vehicle driven by Ms. Ford. The theories upon which we intend to perceive include negligence, and negligent failure to maintain, among others. This list is not inclusive since we are currently investigating this claim.

As a result of the negligence of the above-named entity, Ms. Clark was injured and incurred medical bills. At Exhibit "2" we enclose the records and bills from South Fulton Hospital; at Exhibit "3" we enclose the records and bills from South West Hospital and Medical Center; at Exhibit "4" we enclose the records and bills from Georgia Radiology; at Exhibit "5" we enclose the medical records and bills from Atlanta Better Health; and Exhibit "6" we enclose the records from Care Rehabilitation. Erlethia Clark's medical bills total \$1,612.75. The claim of Ms. Clark is valued in excess of \$10,000.

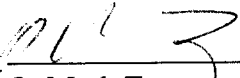
The extent of her injuries include: Neck and back injuries, soft tissue injuries, complaints of back, leg and right side arm pain (see notes of CARE rehabilitation), and continued right side pain. She was released from care with her pains either resolved or resolving.

In the event that I do not hear otherwise within seven (7) days following receipt of this letter, I will assume that the above meets each and every requirement of the O.C.G.A. § 36-11-1, et. seq.

Very truly yours,

MONTLICK & ASSOCIATES, P.C.

BY:



O. Mark Zamora
Attorney at Law

LTR_1509:272330:ndls
Enclosures

00- R-1167